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CIA HISTORICAL REVIEW PROGRAM
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MEMORANDUM FOR: Acting Director of Central Intelligence

FROM : John H. Waller
Inspector General

SUBJECT : House Select Committee on Assassinations (HSCA)

1. This memorandum is to alert you to possible future difficulties with the HSCA during the period lying immediately ahead. Some conscious consideration should be given to the problems that could arise as a result of the reported purpose for the two-month extension of the Committee's life. The attached Washington Post story states that the re-establishment of the Committee is: to work out a satisfacory budget, and to justify a full-fledged investigation.

2. The difficulties that HSCA has experienced to date seem to have resulted from the tactics of Mr. Richard Sprague, the Staff Director and Chief Counsel of the Committee, as well as the projected costs of his investigation. He has spoken in uninhibited terms about use of the polygraph and stress-measuring equipment, which has raised Congressional criticism about his lack of concern for civil liberties. From our point of view other statements attributed to him are equally disturbing. For instance, on 15 December 1976 he was quoted in the Los Angeles Times as making it clear that the Committee reserved the right to reveal the identity of undercover CIA agents. The New York Times on 6 January 1977 quoted Representative Edwards' criticism of Mr. Sprague's reported statement that the Committee would make information public, chiefly through hearings, even if the disclosures might affect individuals or government agencies only indirectly connected with the assassination. This presents the classic problem of protecting intelligence sources and methods. It does not reflect well on the responsibility of Mr. Sprague's conduct of the investigation, and is inconsistent with early representations by him to Lyle Miller indicating an intention to respect our sensitivities about intelligence sources and methods.

3. During the period that Mr. Sprague was making his first plan for the investigation, including his budget request, there were a number of newspaper stories attributed to him or to HSCA sources alleging CIA withholding information from the Warren Commission. On 17 January 1977 Jack Anderson and Les Whitten in the Washington Post

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quoted Congressional investigators as saying that "the CIA deliberately lied about some of the details that were furnished to the Commission." The story included the ridiculous allegation that CIA "offered to take over the Committee's security." None of these stories are consistent with what we understand and no attempt was made by HSCA personnel to consider them with us. If we cannot take issue with the lies above, we can express concern over security practices. One of the early stories, of course, was the allegation insinuating that CIA had edited reports of intercepted Oswald conversations in Mexico City to suppress information. The Anderson column on 20 January claimed access to confidential HSCA "transcripts from interviews of witnesses" making it appear that CIA had fabricated evidence.

4. Whatever the reliability of press attribution of these statements to Mr. Sprague and his staff, it is clear that he is responsible for statements contained in the 31 December 1976 report of the HSCA. It repeats the allegation concerning "documents withheld from the Warren Commission" on page 2, the clear inference being some sort of cover-up. Additionally, at page 5 the following statement appears:

> "The Committee has been informed that the Central Intelligence Agency alone is in possession of more than 60 cartons of material relating to the assassination of President Kennedy and the activities of Lee Harvey Oswald prior to that assassination."

Mr. Sprague was briefed on 57 folders relating to the Warren Commission investigation and Oswald, some 60 cartons of material concerning Cuban operations that had then been identified for review to see if any of it related to the Kennedy assassination, and very small holdings in the Office of Security and the Office of the Inspector General. This was explained to him explicitly. The statement in the HSCA report may be considered as an exercise of some sort of license for the purpose of selling Mr. Sprague's budget, but it is felt that he did not misunderstand what he was told and the statement in the report is a deliberate misrepresentation.

5. It is noted that the large holdings on Cuban operations cover practically everything done in relation to Cuba during the period in question. We are reviewing them solely for the purpose of ensuring ourselves that we have gone the last mile to determine if there was anything on Oswald or the Kennedy assassination that had not been identified previously. Obviously practically none of this is a matter of proper interest for the HSCA, although staff members may insist upon access simply because we reviewed it. By extension similar demands could be made for all operations in Mexico City, because Oswald

visited there for several days in September and October 1963. A similar problem might arise concerning operations in Paris, simply because AMLASH/1 was met there on a number of occasions. Depending on how ambitious and all-encompassing the curiosity of the investigators, we conceivably could be confronted with demands for access to any Agency operations that might attract the interest of an investigator. While this may be a worse-case statement of the problem it is felt necessary to consider the possibility in order to be prepared if the question is presented.

6. None of the requisite arrangements and commitments now exist for the provision of access to and protection of Agency sensitive materials. Indeed, Representative Christopher J. Dodd, a member of the HSCA, in the same 31 December report of the HSCA stated that "to obtain the necessary raw information and documents, the Select Committee should avoid the past experiences of other Congressional bodies which made 'treaties' with Federal agencies about access to information." There is no understanding about the investigative conduct towards former or present Agency employees in the protection of themselves or classified information from the aggressive approach of HSCA investigators. There is no provision for security review of such reports as HSCA may produce, nor commitments about releases to the press of classified information. It is not even clear that HSCA has yet obtained professional security advice on the management of its affairs.

7. On the basis of the past couple of months a rash of dramatic leaks can be expected in the press, aimed at winning support from members of Congress by attacking the Agency and the FBI. Beyond that, if HSCA staff members seek access to Agency personnel and documents, in the rush to "justify a full-fledged investigation," without having established the basis for Agency cooperation, the difficulties can become significant. Such an eventuality must be anticipated, for if such a situation develops the Agency may be subjected to a concerted campaign to make it appear uncooperative.

John H. Waller

Attachment:
As Stated

SDBreckinridge:js (3 Feb '77)
Distribution:
Original - Addressee
2 - ExecReg
1 - IG Chrono
1 - IG Subject (Gonzalez Committee)
1 - SDB Chrono
1 - OLC 1 - Waller Wkg copy

Voted Two-Month Revival by Panel

By George Lardner Jr.
Washington Post Staff Writer

Overriding Republican opposition, the House Rules Committee yesterday approved a temporary revival of the inquiry into the assassinations of President Kennedy and Martin Luther King Jr.

Under the proposal, the Select House Committee on Assassinations would be re-established and given until March 31 to work out a satisfactory budget and justify a full-fledged investigation.

The compromise is scheduled to go before the House this afternoon.

Rep. Richard Bolling (D-Mo.), who sponsored the resolution at yesterday's hearing, said it has the support of the Democratic leadership, but it still faces "a very flammable situation" on the House floor.

Openly critical of the select committee's chief counsel, Richard A. Sprague, House Speaker Thomas P. (Tip) O'Neill made plain at his noon hour press conference that his backing of the compromise was not entirely enthusiastic.

"It is obvious that Sprague has been running the committee and making policy," O'Neill told reporters. But with a new chairman, Rep. Henry B Gonzalez (D-Tex.), coming in, O'Neill said he hoped the committee would be able to get "untangled" by March 31 from the criticisms of civil libertarians and those who think the inquiry will be too costly.

Approved by the Rules Committee on a voice vote with Republican members voting nay, the two-month extension of the investigation included several changes drafted to satisfy congressional critics such as Rep. Don Edwards (D-Calif.), chairman of the House Subcommittee on Constitutional and Civil Rights.

Unlike the broadly worded resolution that has been stalled since its introduction in January, the new compromise would limit the assassinations committee to investigating the deaths of Kennedy, King and of any other persons the select committee shall determine "might be related" to either assassination.

The old resolution gave the committee blanket authority to investigate anyone's death, even, some members of Congress complained, that of Abraham Lincoln.

Other changes would rule out the issuance of subpoenas by sole authority of the committee chairman, require the committee to follow the rules of the House and to adopt additional safeguards.

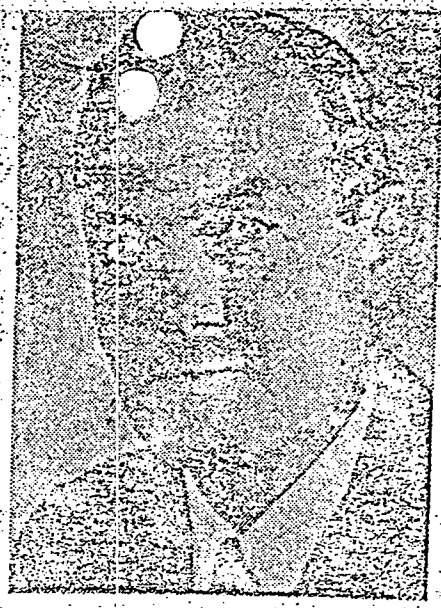
Committee members have also indicated they intend to abandon Sprague's controversial proposals for the use of hidden transmitters, polygraphs and psychological stress evaluators.

Rep. Richardson Preyer (D-N.C.), chairman of the Kennedy assassination subcommittee, and Del. Walter Fauntroy (D-D.C.), chairman of the King subcommittee, took the lead in working out the changes and submitted them to O'Neill on Monday evening.

Preyer acknowledged to reporters yesterday, however, that the new resolution was designed "to meet the objections of Don Edwards and the civil libertarian wing" and that House conservatives concerned about the cost of the inquiry and its potential impact on the FBI and the CIA have yet to be mollified.

"We think this makes it constitutionally sound," Preyer said of the compromise. "But it does not meet the objections from the conservative side," he added.

Some congressional critics have suggested that the assassinations committee may be out to "get" the FBI and the CIA. Committee members have denied any such intention, but the compromise resolution still contains a broadly worded clause calling for an assessment of "the investigatory jurisdiction and capability of agencies and departments of the United States Government."



REP. RICHARDSON PREYER... conservatives not mollified

Unlike the original resolution, the compromise also calls on the committee to determine whether agencies such as the FBI and the CIA withheld information from each other and from the Warren Commission in the Kennedy assassination and whether pertinent evidence was overlooked in either murder.

Testifying against any new congressional inquiry, Rep. Dale Milford (D-Tex.) protested to the Rules Committee yesterday that as far as the Kennedy assassination was concerned, there first ought to be "hard evidence that the Warren Commission's conclusions were in error."

Edwards, however, told the committee he was satisfied that the new resolution "complies with the requirements of constitutionality and due process."

Preyer and Fauntroy told reporters that the committee will "take a very careful look at our budget" if it is re-established and trim back some proposed expenses. The furor over Sprague's proposed $6.5 million budget for the year, which he described as a "bare bones" minimum, has yet to die down.

"We may say that again," Preyer said, emphasizing that he did not know how much could be cut. "I don't think we're going to be able to do this on the cheap."

Bolling forecast a stiff debate on the House floor that could easily get out of hand in view of the "violently strong opinions" about whether the committee should be re-established.

THE WASHINGTON POST

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